

**ENTERED**

December 10, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

3.306 ACRES OF LAND, more or less, IN  
STARR COUNTY, TEXAS; and  
AMERICO ELOY GARCIA, JR.,

Defendants.

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CIVIL ACTION NO. 7:20-cv-00278

**FINAL JUDGMENT**

The Court hereby renders final judgment in this case in accordance with Federal Rule of Civil Procedure 54. Having considered the parties' joint stipulation and motion to establish and disburse just compensation,<sup>1</sup> the Court **GRANTS** and **ORDERS** the following:

The United States is granted fee simple absolute interest and immediate possession over the Subject Property, specifically Tract RGV-RGC-6005-1 as described in the United States' Schedules C and D,<sup>2</sup> which is 3.306 acres in Starr County, Texas, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals; and reserving to the owners of land identified in Special Warranty Deed recorded in the Official Records, Starr County, Texas, on 15 April 2020, as document # 2020-355101 and Foreclosure Sale Deed recorded 6 October 2009 as document # 2009-286273, reasonable access to and from the owners' lands lying between the Rio Grande River and the

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<sup>1</sup> Dkt. No. 17.

<sup>2</sup> Dkt. No. 1-1 at 5-12.

border barrier through opening(s) or gate(s) in the border barrier in accordance with the United States' map;<sup>3</sup> and excepting and excluding all interests in water rights and water distribution and drainage systems, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier. The United States must use its interest in the Subject Property to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas. All those who interfere with or are inconsistent with the United States' interest are hereby **ORDERED** to surrender possession to the United States to the extent of the United States' interest granted by this final judgment.

Twenty-eight thousand, four hundred ninety-three dollars (\$28,493.00), together with any interest earned while on deposit in the registry of the Court,<sup>4</sup> is just compensation under the Fifth Amendment to the United States Constitution for the foregoing taking and satisfies any claims of whatever nature by any Defendant against the United States for this taking. All taxes, liens, encumbrances, and charges of whatever nature existing against the interest in the Subject Property as of September 22, 2020 shall be deductible from the compensation distributed by this final judgment. The Court **ORDERS** the Clerk of the Court to disburse the full amount of just compensation on deposit in the Court's registry, together with any interest, payable to the order of<sup>5</sup> Defendant Americo Eloy Garcia, Jr. instanter.

In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this

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<sup>3</sup> Dkt. No. 1-1 at 14–15.

<sup>4</sup> See Dkt. No. 6; 40 U.S.C. § 3116.

<sup>5</sup> Cf. TEX. BUS. & COM. CODE ANN. § 3.109(b) (West 2020) (providing for checks payable to the order of an individual).

proceeding, Defendant Americo Eloy Garcia, Jr. shall refund into the registry of the Court the compensation distributed by this final judgment, or such part thereof as the Court may direct, together with interest thereon at the annual rate provided in 40 U.S.C. § 3116 from the date of his receipt of compensation to the date of repayment into the registry of the Court.

This final judgment is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendant Americo Eloy Garcia, Jr. Americo Eloy Garcia, Jr. shall not appeal this final judgment. Americo Eloy Garcia, Jr. shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interest in the Subject Property as of September 22, 2020. Each party is to bear its own fees and costs. Any relief not expressly granted in this final judgment is hereby **DENIED**. This is a final judgment for which execution may issue as allowed by law. The Clerk of the Court is instructed to close this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 9th day of December 2020.



Micaela Alvarez  
United States District Judge

